IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 17TH APRIL 2007 / 27TH CHAITHRA 1929

Bail Appl..No. 2262 of 2007()

(CRIME NO. 86/07 OF ALAKODE POLICE STATION, KANNUR)

PETITIONER/ACCUSED:

JIMMY JOSEPH,S/O.JOSEPH,AGED 26 YEARS, PANAMATTATHIL HOUSE,NEDUVODE,POOKKAD,ALAKODE AMSOM ARANGAM DESOM,TALIPARAMBA TALUK,KANNUR DISTRICT.

BY ADV. SRI.V.A.SATHEESH

RESPONDENT/COMPLAINANT:

STATION HOUSE OFFICER,ALAKODE POLICE STATION,KANNUR DISTRICT.REPRESENTED BY THE PUBLIC PROSEUCUTOR,HIGH COURT OF KERALA AT ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. FIROZKHAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T.SANKARAN, J.

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B.A.NO.2262 OF 2007

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Dated this the 17th day of April, 2007

ORDER

This is an application under Section 438 of Code of Criminal Procedure filed by the accused in Crime No.86/07 of Alakode Police Station. The offences alleged against the petitioner are under Sections 452, 323 and 324 of the Indian Penal Code. The prosecution case is that on 28.3.2007 at about 10.30 p.m. the petitioner trespassed into the house of the defacto complainant and attacked him with stone and hands. There is also an allegation that the petitioner had beaten the wife of the defacto complainant. It is stated in the bail application that in fact the petitioner was assaulted by the defacto complainant on 28.3.2007 and in that incident, the petitioner sustained injuries. He has produced A1 wound certificate.

2. Heard learned Public Prosecutor who submitted that the investigation of the case is in progress in both the cases. Considering the allegations made against the petitioner and in the facts and circumstances of the case, I am of the view that the

petitioner can be directed to surrender before the Investigating Officer at 10 a.m. on 25.4.2007 for interrogation. The petitioner shall be produced before the Magistrate's court concerned on the same date. The learned Magistrate shall consider the bail application submitted by the petitioner on the same date itself, taking into account the facts and circumstances of the case and the fact that there is a counter case in which the allegation is that the petitioner sustained injuries.

Bail application is disposed of as above.

(K.T.SANKARAN)
JUDGE

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